

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:14-CR-023-A
Government,)
VERSUS) FORT WORTH, TEXAS
CHRISTOPHER ROBERT WEAST,) MARCH 3, 2014
Defendant.) 10:08 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF DIGITALLY RECORDED
PRELIMINARY AND DETENTION HEARING
BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

A P P E A R A N C E S :

FOR THE GOVERNMENT: MS. AISHA SALEEM
UNITED STATES DEPARTMENT OF JUSTICE
NORTHERN DISTRICT OF TEXAS
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102-6882
Telephone: 817.252.5200

FOR THE DEFENDANT: MS. ANGELA SAAD
ASSISTANT FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF TEXAS
819 Taylor Street, Room 9A10
Fort Worth, Texas 76102
Telephone: 817.978.2753

TRANSCRIPTIONIST: MS. DEBRA G. SAENZ, CSR, RMR, CRR
501 W. 10th Street, Room 424
Fort Worth, Texas 76102
Telephone: 817.850.6661
E-Mail: debbie.saenz@yahoo.com

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produced by computer.

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P R O C E E D I N G S

March 5, 2014 - 10:08 a.m.

(Digital recording commencing at 10:08 a.m.)

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you. Please be seated.

The Court calls for detention hearing Cause
Number 4:14-CR-23, United States versus Christopher Robert
Weast.

Is the government ready to proceed?

MS. SALEEM: Yes, Your Honor, government's ready.

THE COURT: Is the defense ready?

MS. SAAD: Yes, Your Honor.

THE COURT: Very well. You may call your first
witness.

MS. SALEEM: Call Matt Womble.

THE COURT: Sir, if you would please come forward
and raise your right hand and be sworn by my clerk.

COURTROOM DEPUTY: Do you solemnly swear or affirm
to tell the truth, the whole truth, and nothing but the truth,
so help you God?

THE WITNESS: Yes, ma'am.

THE COURT: Thank you. I have three of them.

You may proceed.

MATTHEW WOMBLE,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION**BY MS. SALEEM:**

Q. Can you please state your name for the record, and spell your last name.

A. I'm Matthew Womble, W-O-M-B-L-E.

Q. What do you do for a living?

A. I'm a Special Agent with the FBI.

Q. Are you involved with or were you involved with an investigation involving Christopher Robert Weast?

A. Yes, ma'am.

Q. And do you see him in the courtroom today?

A. Yes, ma'am.

Q. And can you go ahead and identify him, please.

A. He's seated at the defendant's table there in the green jumpsuit.

MS. SALEEM: May the record reflect the witness has identified the defendant in open court?

THE COURT: The record shall so reflect.

Q (BY MS. SALEEM) Okay. So we're here specifically on the detention hearing. So, just generally, can you describe the facts as it relates to kind of a series of events.

A. Yes, ma'am. He was charged with possession of child pornography. Fort Worth Police -- Fort Worth Police Department, Crimes Against Children Unit, conducted an investigation where they downloaded, with peer-to-peer

1 software, child pornography from a computer at the -- at an IP
2 address located at the Weast residence.

3 Through Fort Worth PD's subsequent investigation and
4 a search warrant executed on that residence, they were able to
5 determine that the computer belonged to the defendant,
6 Mr. Weast, subsequently conducted forensics on a computer, a
7 laptop computer and a hard drive, and recovered several images
8 of child pornography on that computer.

9 Q. And when we say, "several," were there a number of
10 videos and images of child pornography found?

11 A. Yes, ma'am. I believe they downloaded, if memory
12 serves, 66 on their undercover investigation, and then
13 recovered subsequent -- many more images than that 66 on the
14 forensic review of the computer seized.

15 Q. Now, in addition to the -- and were these items that
16 were found, were they found in Mr. Weast's bedroom?

17 A. Yes, ma'am.

18 Q. Did -- subsequent to that, did you have an
19 opportunity to look at the forensics?

20 A. Yes, ma'am.

21 Q. And in so doing, did you find -- in addition to, I
22 guess for the sake of clarity, commercial child pornography,
23 did you find other videos or images that were concerning?

24 A. Yes, ma'am, I did.

25 Q. Can you describe that?

1 A. Yes, ma'am. There were additional folders or
2 directories that Mr. Weast had set up on his -- an external
3 hard drive that was connected to his laptop. These
4 directories on his hard drive were labeled "Destiney" and one
5 was labeled as "K."

6 We went through these and found what appeared to be,
7 I guess, surreptitious videos that were taken with a cell
8 phone of minor females. I wouldn't -- they did not rise to
9 the level of what we, at the FBI, define as child pornography,
10 but they were disturbing in nature in that they were
11 clandestine, I guess, in nature, is the best way to put it.

12 And then the videos that were taken of Destiney, who
13 we subsequently identified as Destiney Redwine, were videos
14 taken -- and it appeared that she was not aware of these
15 videos, and the videos centered on her genital region --
16 crotch shots, if you will, for lack of a better term --
17 several occasions or at least multiple occasions of the cell
18 phone being placed on the ground and positioned to where it
19 would catch Destiney I guess exiting a door and trying to get
20 shots up the shorts or a skirt.

21 And then, subsequent, in the K directory, we
22 subsequently identified the minor female in that directory as
23 Kaela Lindsey from -- who is the granddaughter of Mr. Weast's
24 parents.

25 There was a video in this directory which

1 depicted -- was being shot, what appeared to be outside the
2 house, through some blinds, of Ms. Lindsey's bedroom, where
3 Ms. Lindsey was taking off her shirt, taking off her bra,
4 breasts exposed, and videotaping her.

5 Q. Now, Ms. Lindsey, she actually lives in the same home
6 as Mr. Weast and Mr. Weast's parents; is that correct?

7 A. Yes, ma'am.

8 Q. Can you -- can you identify how old Ms. Lindsey would
9 have been, approximately, at the time that the video was
10 taken?

11 A. My understanding, I believe her to be 17 years old at
12 about that time.

13 Q. She -- by the time the video was taken?

14 A. By the time the video taken. Based on what she said
15 during the interview, I understood her to be around 17 years
16 old at the time.

17 Q. Now, does she have concerns about Mr. Weast returning
18 to the home?

19 A. Yes, ma'am, she did.

20 Q. And can you describe -- well, can you describe her
21 reaction to -- when you showed her the video, as well as
22 Mr. Weast's parents' reaction?

23 A. Yes, ma'am. When we showed the video, Mr. Weast,
24 Larry Weast, was not home at the time. Bobbie Weast, her
25 grandmother, and Kaela were at the home when I first showed

1 the video.

2 Both were very emotionally distraught, surprised.
3 She was taken aback as to what we were showing her. She
4 immediately cried out, you know, oh, my God, he's -- he's
5 taping me through the window. At one point she claimed that
6 he was a pervert, and then repeatedly said, I told you so, I
7 told you so.

8 The interaction between Kaela and Bobbie Weast was
9 such -- Bobbie Weast was distraught as well. She was crying
10 as well, trying to console Ms. Lindsey, and Ms. Lindsey was
11 just very distraught and claimed that she wanted him to go
12 away for a long time, wanted him to be locked up.

13 Q. Now, was there a -- I guess this -- the charge itself
14 actually goes back to undercover downloads that took place in
15 the -- sometime in 2012; is that correct?

16 A. Correct.

17 Q. And in July of 2012 was when the -- when the search
18 warrant was actually executed --

19 A. Correct.

20 Q. -- at Mr. Weast's home; is that right?

21 A. Yes, ma'am, correct.

22 Q. Since -- since then, has there been -- well, let
23 me -- let me start with back then. Was -- what was
24 Mr. Weast's parents' initial reaction to the initial
25 allegations of child pornography?

1 A. Well, in -- I guess I'm giving it secondhand because
2 I received this from the detectives that worked the case from
3 the Fort Worth PD when they conducted the search warrant and
4 interviewed them, but my understanding was that their initial
5 reaction was that they believed his story that -- his story
6 was that he downloaded it directly from Fort Worth PD, and
7 that Fort Worth PD had set him up in some form or fashion, and
8 I don't know what his reasoning was for how that would happen,
9 but that Fort Worth PD had set him up.

10 And then my understanding was that the story then
11 changed at some point to he had some sort of computer virus,
12 and that this virus accounted for the child pornography on his
13 computer.

14 Q. So, initially, your understanding is that Mr. Weast
15 actually provided his parents with false or incorrect
16 information about the offense itself?

17 A. My under -- yes, ma'am. Yes, ma'am.

18 Q. And subsequent to your interaction with his parents,
19 were you able to clarify some of that information and to show
20 how it was false?

21 A. Yes, ma'am. When we first went in, that day we went
22 to effect the arrest of Mr. Weast, it was clear to me that the
23 parents had -- had accepted what their son had told them,
24 which is not surprising for me in my experience in working
25 these cases. You expect that going in, that they would

1 support their son, support their child.

2 I think obviously what had happened was there was
3 some discourse, I believe, between Kaela Lindsey and the
4 grandparents. It was obvious to me that this wasn't the first
5 time they had had this discussion, and that it might have been
6 a source of internal conflict within the family in regards to
7 Mr. Weast still residing at the home.

8 And once that video was shown, I mean, all that came
9 to the forefront to where the -- there was not infighting
10 because there wasn't fighting at the time. I think at that
11 point Mr. and Mrs. Weast, when I subsequently showed the video
12 to Mr. Weast, they understood what exactly was going on now,
13 and they understand where their granddaughter, Kaela Lindsey,
14 was coming from and her point of view.

15 Q. Speaking of the granddaughter, did you actually
16 interview her as well?

17 A. Yes, ma'am.

18 Q. And in so doing, did you -- did you receive
19 information from her of a concerning nature regarding
20 Mr. Weast's interactions with either Ms. Lindsey or
21 Ms. Lindsey's friends?

22 A. Yes, ma'am. There was, for lack of a better term, a
23 laundry list of incidents when Mr. Weast had made, in
24 Ms. Lindsey's estimation, inappropriate advances on her
25 friends, and even a second cousin, Destiney Redwine, to

1 where -- she was 15 years old at the time, according to
2 Ms. Lindsey.

3 There were -- I think it was her, and if I recall
4 correctly, at least three other of Ms. Lindsey's friends that
5 she gave me -- she told me specifically where Mr. Weast had
6 made advances or passes at them in some form or fashion.

7 Q. And these friends, would they have been minors at the
8 time that Mr. Weast was making contact with them?

9 A. Yes, ma'am, all of them were, yes, ma'am.

10 Q. Now, Mr. Weast's current age is?

11 A. 40, I believe.

12 Q. And so at the time that he would have been making
13 these advances at -- toward these minors, would he have still
14 been an adult?

15 A. Yes, ma'am, 37, 38, 39, yes, ma'am.

16 Q. Okay. So advances that he was making just in the
17 last couple of years?

18 A. Yes, ma'am.

19 Q. What about -- what about Mr. Weast's work situation?
20 Are you familiar with that at all?

21 A. My understanding is he is not gainfully employed at
22 the time of our interaction. According to Ms. Lindsey, he did
23 help his father, Larry Weast, out with a Sunbeam bread route,
24 I believe on Saturday evenings, from I think it was 10:00 p.m.
25 to 2:00 a.m. I can't recall for sure without consulting my

1 notes.

2 The disturbing thing from that was that apparently
3 Destiney Redwine, the 15-year-old second cousin, would
4 accompany Mr. Weast on those routes on occasion, according to
5 Ms. Lindsey. I asked if Larry Weast was with them, and she
6 said, no, you know, that Mr. Weast was doing it separately to
7 help Larry Weast out with his bread route.

8 So my understanding is that Mr. Weast and Destiney
9 Redwine, who I believe would be 16 or 17 at this point, would
10 be alone together on Saturday nights from 10:00 a.m. -- or
11 10:00 p.m. to 2:00 a.m. during this bread route.

12 Q. Okay. And is there anything else that you want to
13 add with respect to either the issue of being a danger to the
14 community or whether he's a flight risk?

15 A. The only -- the only thing that I would add, in my
16 experience doing these types of cases, child pornography is,
17 in the law enforcement community, seen as almost in a form or
18 a sense of a gateway drug, such as marijuana; that when you
19 start with marijuana, generally people tend to escalate.

20 Child pornography is much the same way. Once people
21 have -- once legal, adult pornography no longer satisfies a
22 person, then a person starts delving into child pornography.
23 It serves as a gateway. And we see that, if left unchecked, a
24 lot of times people then begin to act out on what they see
25 because the visual representation of it isn't enough for them

1 anymore.

2 The interview with Ms. Lindsey is disturbing in
3 that, you know, I don't know how far it's gone until I've
4 spoken with each of those individuals, if they agree to speak
5 with me. But it would appear as though he's made those
6 outreaches to some of those girls and tested the waters, and I
7 don't know how far it's gone.

8 My other concern would be that he is a 40-year-old
9 male that does not have gainful employment, and that, at least
10 based on my conversation I had with the parents a week, week
11 and a half ago, that my understanding was at that time they
12 did not want him living back in the house, and I would be
13 concerned about where he's going to go, a flight risk and then
14 his pattern with minor females, so that would be my concern.

15 Q. And did you -- I should have asked you earlier.
16 Would you consider Mr. Weast to be a somewhat sophisticated
17 computer user?

18 A. Yes, ma'am. He knows what he's doing around a
19 computer, yes, ma'am.

20 MS. SALEEM: We'll pass the witness.

21 THE COURT: Cross-examination, Ms. Saad?

22 MS. SAAD: Thank you, Your Honor.

23 **CROSS-EXAMINATION**

24 **BY MS. SAAD:**

25 Q. Agent Womble, the search warrant was done July 2012,

1 correct?

2 A. Yes, ma'am.

3 Q. And subsequently, on August 16th, 2012, a warrant was
4 executed on Mr. Weast for the same substance of this charge
5 today, correct?

6 A. Right. Yes, ma'am.

7 Q. And that -- you would agree that both the search
8 warrant execution and the arrest warrant execution in 2012
9 were without incident?

10 A. Yes, ma'am.

11 Q. And since August 16th of 2012, Mr. Weast was
12 successful with his bond conditions on the state level,
13 correct?

14 A. If you're telling me they are, then I would agree
15 with that, yes, ma'am. I don't -- I don't know anything about
16 it.

17 Q. You're -- you're aware that he's been -- he had to
18 get bonded out in --

19 A. Yes, ma'am.

20 Q. -- August of 2012, correct?

21 A. Yes, ma'am.

22 Q. And -- and just to clarify, there's no state charges
23 pending?

24 A. Correct.

25 Q. Right?

1 A. Correct.

2 Q. But given the -- based on all of your investigations,
3 there's no indication that since August 16th of 2012, he
4 hasn't been in compliance --

5 A. Correct, yeah.

6 Q. -- with the bond?

7 A. Correct.

8 Q. And he's been reporting weekly to the bond officer in
9 state court, correct?

10 A. I don't know. If you're telling me he has, I don't
11 contest that, you know.

12 Q. And also the -- given the arrest warrant in February,
13 there was no incident that Mr. Weast was -- went into custody
14 without any problem?

15 A. Correct, no incident.

16 Q. And based on his -- you -- during your -- and he gave
17 you a statement on August 2013, correct -- excuse me, '14?
18 February 2014, you were there when that arrest warrant was
19 executed, correct?

20 A. Yes, ma'am, I was.

21 Q. Okay. And so he gave you a statement that day?

22 A. Well, he -- I don't -- I believe -- he didn't give a
23 statement, I don't think. I stayed at the home to interview
24 the family members and Ms. Lindsey. Mr. Weast was taken back
25 to our offices by two of our task force officers. So my

1 understanding from them was he provided no statement, that he
2 did not wish to speak.

3 Q. There are recordings of statements. Is that of other
4 individuals or of Mr. Weast?

5 A. You would have to -- which statements are you
6 referring to? I'm sorry.

7 Q. At any -- let -- let me step back. At any point was
8 Mr. Weast advised of his rights?

9 A. The -- my task force officers advised him of his
10 rights, I believe.

11 Q. There at the house or at the --

12 A. No, at -- it would have been at the FBI offices, not
13 at the house.

14 Q. And the means of reading rights, does -- is it
15 standard practice to sign a waiver of rights or is it --

16 A. It's our standard practice, yes, ma'am. And to
17 clarify, are you -- are you discussing the FBI arrest of
18 Mr. Weast, or are you discussing the Fort Worth PD arrest of
19 Mr. Weast?

20 Q. FBI arrest.

21 A. Okay. Okay. And for clarification, they only sign
22 our advice of rights form if they agree to waive their rights.
23 If -- and in this case, he didn't. There is no form to
24 designate that he refused, you know, to speak. Just there is
25 no form. The only time they sign our form is when they waive

1 their rights and wish to speak without an attorney being
2 present.

3 Q. The arrest warrant for this one was done 19 months
4 after the search warrant, correct?

5 A. Correct.

6 Q. Based on his -- he -- you've done a criminal history
7 check for Mr. Weast, correct?

8 A. Yes, ma'am.

9 Q. And those were from very long ago, but there was a
10 probation term, correct?

11 A. I believe so. I can't recall off the top of my head
12 without seeing the NCIC report, but if you say so.

13 Q. And anything that indicated from that, that criminal
14 history from 1992, anything indicated that he didn't complete
15 the terms of probation or that a failure to appear or anything
16 was -- was done?

17 A. Not that I recall, no, ma'am.

18 Q. The basis for identifying -- and to clarify, Agent
19 Womble, the people in the courtroom here today are Mr. Weast's
20 parents?

21 A. Yes, ma'am.

22 Q. And they were also here on Friday at the hearing?

23 A. Yes, ma'am, uh-huh.

24 Q. You spoke with both Kaela and his parents, clearly?

25 A. Yes.

1 Q. It would be fair to say that any type of commentary
2 is based on whatever family dynamics are -- are there?

3 A. Sure.

4 Q. And so any statements you received are taken out of
5 context, correct? Meaning, you need -- you would want to ask
6 a lot more questions to really understand the nature of the
7 Weast family?

8 A. Well, can you clarify "taken out of context?" I'm
9 only going based on what they told me in that moment. And in
10 that moment, you know, what I explained to Ms. Saleem is
11 exactly what they told me in that moment. I understand it's
12 been a week, almost two weeks after, and things could have
13 changed since then, but in the moment that I was there, that
14 was their concerns that they expressed to me at that time.

15 MS. SAAD: No further questions, Your Honor.

16 THE COURT: Any further questions for the witness?

17 MS. SALEEM: No, Your Honor.

18 THE COURT: All right. Thank you. You may step
19 down.

20 MS. SALEEM: Your Honor, we would just ask the Court
21 to take judicial notice of the pretrial services report, and
22 rest.

23 THE COURT: Very well. Does the defense wish to
24 offer any evidence on the issue of detention?

25 MS. SAAD: Yes, Your Honor. The defense would call

1 Melanie Weast.

2 *THE COURT:* All right. Ms. Weast, if you would
3 please come forward.

4 Ma'am, if you would please raise your right hand and
5 be sworn by my clerk.

6 *COURTROOM DEPUTY:* Do you solemnly swear or affirm
7 that the testimony you're about to give in the case now before
8 the Court will be the truth, the whole truth, and nothing but
9 the truth, so help you God?

10 *THE WITNESS:* Yes, ma'am.

11 *THE COURT:* Thank you. You may be seated.

12 You may proceed, Ms. Saad.

13 *MS. SAAD:* Thank you, Your Honor.

14 **MELANIE WEAST,**
15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MS. SAAD:**

18 Q. Please state your name.

19 A. Melanie Weast.

20 Q. And what is your relationship to Mr. Weast?

21 A. I'm his younger sister.

22 Q. And how old? How much younger are you?

23 A. Oh, I'm 36.

24 Q. Where do you live, Ms. Weast?

25 A. I live in White Settlement, Texas.

1 Q. And who lives at that residence?

2 A. Me and my fiance, Prentice Mayhall.

3 Q. And is he here in the courtroom today?

4 A. Yes, ma'am.

5 Q. Ms. Weast, where do you work?

6 A. I work at GoFrac.

7 Q. And what -- what are your hours?

8 A. Eight to five.

9 THE COURT: What was the name?

10 THE WITNESS: GoFrac, G-O-F-R-A-C.

11 THE COURT: Thank you.

12 THE WITNESS: Uh-huh.

13 Q (BY MS. SAAD) And -- and what is the nature of your
14 work?

15 A. It's oilfield.

16 Q. And Ms. Weast, you've both -- we've had a discussion
17 about the nature of the charges in this case --

18 A. Yes.

19 Q. -- that are pending before your brother, and you've
20 heard the testimony here today?

21 A. Yes.

22 Q. Are you -- given the nature of the charges, are you
23 willing to be a third-party custodian for your brother?

24 A. Yes, ma'am.

25 Q. Is he -- or would you allow him to live in your home?

1 A. Yes.

2 Q. You've also heard testimony about videotapes here
3 today. And I understand you probably have a lot more
4 questions, but given the nature of those videotapes, do you
5 have any concern with him living in your home?

6 A. No, ma'am.

7 Q. Ms. Weast, part of the conditions the Court may set
8 are that he find a job. Would you be able to help him find
9 work?

10 A. Yes.

11 Q. Would -- and where does your fiance work?

12 A. He owns his own business, Cowtown Auto Glass.

13 Q. And what hours does he work?

14 A. Eight to five, Monday through Friday.

15 Q. And would Mr. Weast be able to work directly with
16 your fiance?

17 A. Yes.

18 Q. And so he would accompany Mr. -- your fiance to work?

19 A. Yes.

20 Q. And have a job?

21 A. Yes.

22 Q. And what is your fiance's name?

23 A. Prentice.

24 Q. Additional conditions the Court could set would be
25 electronic monitoring. Do you have a landline?

1 A. No, ma'am.

2 Q. Would you be able to get a landline in your home?

3 A. Yes.

4 Q. You understand the nature of the charges, and it's
5 possible the Court may put additional conditions on Mr. Weast
6 in terms of electronic usage of some sort. Would you make
7 sure that Mr. Weast is in compliance --

8 A. Yes.

9 Q. -- with any such conditions the Court would put in
10 place?

11 A. Yes.

12 Q. And are you aware that Mr. Weast has been reporting
13 since July 2012?

14 A. Yes, ma'am.

15 Q. Are you aware how often he's been reporting?

16 A. Yes.

17 Q. How often?

18 A. Every week.

19 THE COURT: Are you talking about in person?

20 THE WITNESS: No.

21 THE COURT: By phone?

22 THE WITNESS: By phone, uh-huh.

23 THE COURT: Oh, okay.

24 Q (BY MS. SAAD) And if you're not aware -- you're aware
25 that the bail or the officer, person he was reporting to,

1 actually said, you know, you're good, you don't need to keep
2 calling. I don't know if you're aware that.

3 A. No, I'm not aware of that, but he did tell me that he
4 did call and report every week.

5 Q. Okay. Ms. Weast, why do you think your brother will
6 comply with the Court's conditions?

7 A. I've known him my whole life from -- 36 years, and
8 he's complied so far. Even back in '92, whenever he had that
9 case, he complied with everything then. He's never been in
10 trouble, so I feel that he will comply with all the orders the
11 Court sets.

12 Q. Ms. Weast, you understand as a third-party custodian,
13 it would also be your responsibility to report your brother if
14 he were not compliance?

15 A. Oh, yes.

16 Q. Would you have any hesitation in calling the court
17 office, the pretrial officer, or -- to report your brother?

18 A. No.

19 MS. SAAD: No further questions, Your Honor.

20 THE COURT: Cross-examination?

21 **CROSS-EXAMINATION**

22 **BY MS. SALEEM:**

23 Q. Ma'am, were you aware of the child pornography
24 charges that were initiated by the Fort Worth Police
25 Department?

1 A. Yes.

2 Q. And did Mr. Weast also tell you that he was being
3 framed, set up by the Fort Worth Police Department?

4 A. Yes.

5 Q. And I assume that you initially believed that?

6 A. Yes.

7 Q. Okay. Did -- have you now heard about the -- I
8 guess, aside from court, have you heard about the fact that
9 Mr. Weast was videotaping a relative of yours?

10 A. That's what I've heard, yes.

11 Q. You haven't had the opportunity to see the video?

12 A. No.

13 Q. Have you -- were you aware of Mr. Weast making
14 inappropriate advances to other minors?

15 A. No.

16 Q. So this is the first that you're hearing about that?

17 A. Yes.

18 Q. And did you know that Mr. Weast was actually taking
19 Kaela's phone to get the contact information from her friends?

20 A. That's the first I'm hearing of that.

21 Q. So you wouldn't know then that he's -- he's finding
22 her friends through her contact list and then sending
23 inappropriate texts to them?

24 A. No.

25 Q. If you -- if you knew that to be true, would that

1 concern you with respect to his --

2 A. If it were true.

3 Q. Okay. It would be concerning?

4 A. Well, yeah.

5 Q. Okay. Now, is there -- do you have computers in your
6 home?

7 A. I have one laptop.

8 Q. And do you use or does your fiance use smartphones or
9 cell phones?

10 A. Well, of course, I mean, yes.

11 Q. Everyone today does, right?

12 A. Yes.

13 Q. Do you -- does your fiance have any children?

14 A. No.

15 Q. And do you have any children?

16 A. My daughter is Kaela Lindsey. That's my daughter,
17 yes.

18 Q. Oh, that's -- okay. Okay. So have you had an
19 opportunity to have a conversation with Kaela about what
20 happened?

21 A. Yes. Yes.

22 Q. And are you -- are you aware of this other person,
23 Destiney?

24 A. Yes.

25 Q. And is she anywhere in -- I guess is she located in

1 the -- in the Dallas-Fort Worth area?

2 A. Yes.

3 Q. She's still around here?

4 A. Yes.

5 MS. SALEEM: I have no other questions.

6 THE COURT: Any other questions?

7 MS. SAAD: Briefly, Your Honor.

8 THE COURT: Yeah.

9 **REDIRECT EXAMINATION**

10 **BY MS. SAAD:**

11 Q. Ms. Weast, you understand the line of questioning.
12 You -- is there anything, based on the additional concerns the
13 government's put forward, that makes you have any concern
14 about being a third-party custodian for your brother?

15 A. No.

16 Q. And if there was any concern that you had or
17 any -- would you report him to the Court?

18 A. Yes. Yeah.

19 MS. SAAD: No further questions.

20 THE COURT: Where does -- where does Kaela live
21 now?

22 THE WITNESS: She lives with my parents.

23 THE COURT: Still there?

24 THE WITNESS: Yes. Yes.

25 THE COURT: Okay. All right. Thank you. You may

1 step down.

2 *THE WITNESS:* Uh-huh.

3 *THE COURT:* You may call your next witness.

4 *MS. SAAD:* Yes, Your Honor. The defense calls
5 Prentice Mayhall.

6 *THE COURT:* Sir, if you would, please come forward.
7 Raise your right hand and be sworn by my clerk, please.

8 *COURTROOM DEPUTY:* Do you solemnly swear or affirm
9 that the testimony you're about to give in the case now before
10 the Court shall be the truth, the whole truth, and nothing but
11 the truth, so help you God?

12 *THE WITNESS:* I do.

13 *THE COURT:* Thank you, sir. Please come have a
14 seat.

15 Now, are you the Chris I was just told about?

16 *THE WITNESS:* No, I'm Prentice.

17 *THE COURT:* Prentice. Okay. I thought the fiance,
18 Chris, was in the court, or did I mishear the name the first
19 time?

20 *MS. SAAD:* Perhaps, Your Honor. It's --

21 *THE COURT:* Oh, my bad.

22 *MS. SAAD:* Prentice is the fiance, yes.

23 *THE COURT:* Forgive me. All right. Thank you, sir.
24 You may continue.

25 *MS. SAAD:* Thank you, Your Honor.

1 **PRENTICE MAYHALL,**
2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MS. SAAD:**

5 Q. Please state your name.
6 A. Prentice Dewayne Mayhall.
7 Q. And it's M-A-Y-H-A-L-L, correct?
8 A. Yes, ma'am.
9 Q. And how old are you, Mr. Mayhall?
10 A. 43.
11 Q. And we've heard a little bit about it, but could you
12 say where you work and what are the hours you keep?
13 A. Cowtown Auto Glass, and I started my own company
14 installing windshields, eight to five, Monday through Friday.
15 Q. And where do you reside?
16 A. 217 Laningham Court, White Settlement.
17 Q. With Melanie Weast, correct?
18 A. Yes, ma'am.
19 Q. Mr. Mayhall, are you -- you've heard the nature of
20 the charges in this case. Are you willing to be a third-party
21 custodian for Mr. Weast?
22 A. Yes, I am.
23 Q. One of the conditions is that he find employment.
24 Would you be able to help him find employment?
25 A. I sure can.

1 Q. And where would that be?

2 A. That would be with me, as a helper.

3 Q. And so would he be with you during --

4 A. He would be with me, and I would keep a close eye on
5 him.

6 Q. And Mr. Mayhall, the -- you've heard the additional
7 concerns in terms of the videos that were located. Does -- do
8 you have any concerns being a third-party custodian given the
9 nature of those allegations?

10 A. No, I don't have any concerns.

11 Q. Mr. Mayhall, would you report him to the Court if he
12 were not in compliance with any of the conditions, whether a
13 curfew, electronic monitoring, anything?

14 A. Yes, in a heartbeat.

15 Q. When it is not working hours, Mr. Mayhall, would you
16 ensure that Mr. Weast continues to comply with court
17 conditions, including the laptop computers and smartphones?

18 A. Whatever it takes.

19 MS. SAAD: No further questions, Your Honor.

20 THE COURT: Cross-examination?

21 **CROSS-EXAMINATION**

22 **BY MS. SALEEM:**

23 Q. Sir, can you describe the type of home that you live
24 in?

25 A. It's just me and my girl, just a casual relationship,

1 known her all my life pretty much, and we're happy.

2 Q. Do you live in a -- is it a house, an apartment?

3 A. It's like a duplex.

4 Q. A duplex?

5 A. Yes, ma'am.

6 Q. Do you -- do you live near any schools?

7 A. No, not real close. Not within two blocks or three
8 blocks, I don't think.

9 Q. Okay. So a little bit more than three blocks away?

10 A. I mean, I'd have to think about it. I don't -- I
11 can't think of a school real close, no. It's down the road a
12 ways.

13 Q. And how many -- how many rooms, bedrooms, in the --

14 A. Two bedroom.

15 Q. Have -- do you or does Ms. Weast have any type of
16 criminal history?

17 A. No, ma'am. I have a little history, but it's over 10
18 years ago.

19 Q. What was that?

20 A. Simple assault.

21 Q. Assault?

22 A. But I --

23 Q. Was that here in Tarrant County?

24 A. Yes, ma'am.

25 Q. Was that with Ms. Weast?

1 A. No, ma'am.

2 MS. SALEEM: I have no other questions.

3 THE COURT: Anything further?

4 MS. SAAD: Nothing further, Your Honor.

5 THE COURT: Let me ask you a couple of questions.

6 How long have you known the Weast family, or

7 Melanie? Let's start there.

8 THE WITNESS: 20 years, 20-something years.

9 THE COURT: Okay. So you've known her brother for
10 that time as well?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right. Do you consider yourselves
13 good friends or --

14 THE WITNESS: Really good friends. I'm totally
15 surprised by all this.

16 THE COURT: All right. So you guys have hung out
17 and had dinners and --

18 THE WITNESS: Yes, sir, played golf.

19 THE COURT: Okay. All right. Thank you very much.
20 I appreciate it.

21 THE WITNESS: Yes, sir.

22 THE COURT: Any follow-up questions based upon the
23 Court's questions?

24 MS. SALEEM: Not from the government.

25 MS. SAAD: None, Your Honor.

1 THE COURT: Thank you, sir. You may step down.

2 THE WITNESS: Thank you.

3 THE COURT: You may call your next witness.

4 MS. SAAD: Your Honor, the defense has no further
5 witnesses.

6 THE COURT: Very well. Does the government wish to
7 offer any evidence in rebuttal at this time?

8 MS. SALEEM: No, Your Honor.

9 THE COURT: Both sides rest and close?

10 MS. SALEEM: Yes, Your Honor.

11 MS. SAAD: Yes, Your Honor.

12 THE COURT: All right. Do you wish to be heard in
13 summation, Ms. Saleem?

14 MS. SALEEM: Just briefly. Your Honor, we would
15 point out that not only was defendant involved in
16 a -- granted, this charge is possession of child pornography,
17 but there is evidence that he is a sophisticated computer
18 user, that he was also distributing child pornography, because
19 the undercover officer was able to download 66 images from the
20 defendant. We know that he had numerous images and videos
21 from the testimony.

22 But in addition to that, we've heard evidence, not
23 only that was concerning through the forensics with respect to
24 finding disturbing images of family members who lived in the
25 same home with the defendant, but we also have a victim who

1 was very clear with detective -- excuse me, with Special Agent
2 Womble about not only had she been victimized by Mr. Weast's
3 conduct, but that she had a number of friends who had also
4 received inappropriate advances by Mr. Weast.

5 That was the -- I guess the additional aggravating
6 factor that's been occurring in the last couple of years that
7 was not learned until the granddaughter was, in fact,
8 interviewed.

9 And because of those concerns, Your Honor, I would
10 submit that there is a good -- there is good reason to detain
11 the defendant. If he's not welcome in his home, who, an
12 individual at the age of 40, who should have had employment at
13 this point in time, but could not maintain it or has not
14 maintained it for whatever reason, I would submit that there
15 is a good faith belief that he is not only a danger to the
16 community, but he also is a potential flight risk.

17 *THE COURT:* All right. Thank you. Okay.

18 *MS. SAAD:* Yes, Your Honor. We do believe under the
19 Bail Reform Act that there are conditions that could be put in
20 place that would ensure his return to court and the safety of
21 the community.

22 Mr. Weast has been on -- reporting for the last 19
23 months. There's been no indication that he has not been in
24 compliance with that. Based on the three times he's been in
25 contact with law enforcement, it was without incident, without

1 any -- without any fight or any concern that was reported here
2 by Agent Womble.

3 Mr. Weast's family is here in the courtroom. His
4 parents are here. Kaela still lives at that home, and that's
5 why Melanie and Mr. Mayhall have come -- are -- they are
6 standing together as a family. Mr. Weast can live in that
7 home.

8 There's a home for him to live in, there's a job for
9 him to go to, and we do believe with whatever conditions the
10 Court may put in place, electronic monitoring, you know,
11 weekly reporting, whatever additional concerns, there's no
12 concern in terms of drug use or anything that -- that's of
13 concern in this case, Your Honor.

14 We do believe that both Ms. Weast and Mr. Mayhall,
15 if there is any concern, would report him to the Court. And
16 that under the Bail Reform Act, that all of the allegations --
17 the current charge before the Court is possession of child
18 pornography. That is the allegation. Mr. Weast should be
19 entitled to have a defense in that case, whatever that may be.

20 The additional allegations are of concern. We do
21 believe that the proposal by the defense, in terms of
22 conditions of release, would satisfy any concerns that the
23 government has raised in order to ensure the safety of the
24 community, Your Honor.

25 *THE COURT:* Thank you, Ms. Saad.

1 Any final word from the government?

2 MS. SALEEM: Yes, Your Honor.

3 Again, we would go back to, the concerns lie with
4 the deceptive behavior of the defendant. Not only was he
5 surreptitiously recording minors, but the fact is we know that
6 he has lied on several different occasions with respect to the
7 offense.

8 He has lied to his family about what was going on.
9 He then suggested that he was being entrapped by the Fort
10 Worth Police Department, and then he claimed it was a virus.
11 Well, a virus couldn't take pictures of a granddaughter who is
12 changing in her own bedroom. I mean, those were some
13 indications that the defendant has engaged in deceptive as
14 well as concerning behavior.

15 Because of that, we would submit there really is no
16 way to prevent him from being a danger to the community
17 without keeping him detained.

18 THE COURT: Very well. Of course, the indictment in
19 this case establishes probable cause for the possession
20 charge.

21 Based upon the evidence and the information
22 provided, I find that the government has carried its burden by
23 clear and convincing evidence that the defendant presents a
24 risk of flight or nonappearance and a danger to the community.

25 The nature and the seriousness of the danger is a

1 factor under the statute, and this evidence goes beyond the
2 simple possession of the heartland of cases like this, so I --
3 that's the Court's finding.

4 I'm going to order that the defendant remain in the
5 custody of the United States Marshal pending further
6 proceedings in the case.

7 Are there any other matters to consider in
8 connection with Mr. Weast at this time?

9 *MS. SALEEM:* Not from the government.

10 *THE COURT:* Anything from the defense?

11 *MS. SAAD:* Nothing, Your Honor.

12 *THE COURT:* Very well. The defendant's remanded to
13 custody of the United States Marshal.

14 The attorneys are excused.

15 *COURT SECURITY OFFICER:* All rise.

16 (Digital recording concludes at 10:48 a.m.)
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TRANSCRIBER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript to the best of my ability from the digital record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 11th day of July, 2014.

/s/ Debra G. Saenz

DEBRA G. SAENZ, CSR, RMR, CRR
Texas CSR No. 3158
Official Court Reporter
The Northern District of Texas
Fort Worth Division

CSR Expires: 12/31/15

Business Address: 501 W. 10th Street, Room 424
Fort Worth, Texas 76102

Telephone: 817.850.6661

E-Mail Address: debbie.saenz@yahoo.com

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